Compilation of Panel Member Comments

May 24, 2005

Dear Tim:

As I indicated at the meeting this week, I am both encouraged by the progress being made in the development of a signature for WTC dust and disappointed at the continuing reluctance of many in the affected community to see the need for, and merits of a scientifically defensible method of identifying residual WTC dust contamination as a means of rationalizing cleanup decisions. In view of the fact that no other credible surrogate measure of WTC dust contamination can be identified, I hope we can make further progress at our next meeting on gaining broader acceptance of the methodology, as well as means for identifying better prospects of gaining access to a suitable sample of builings in lower Manhattan and along the Brooklyn waterfront.

With regard to the WTC dust signature, I think it is important to be able to sharpen our ability to identify slag wool fibers of WTC origin. The data presented by Dr. Rosati at the meeting for background sites suggested that slag wool fibers are more common in some background dusts than was suggested by the first six background samples discussed at the previous meeting. Thus, it may be important to not only identify the presence of slag wool in future analyses, but to also characterize their elemental composition. Greg Meeker has noted that WTC slag wool is lower in iron content than other slag wools, creating the opportunity to discriminate between WTC slag wool and slag wools from other sources. In earlier correspondence with Dr. Rosati, I urged that each slag wool fiber seen be recorded not only as a count, but also as to its length and width. I would now amend that request to include its concentration of selected metals that can help to discriminate WTC slag wool from those from other sources.

Another issue that seemed to play a role in the reluctance of the community representatives to endorse EPA's plans for sampling and analysis of residual WTC dusts was analyses of composites of three samples. The operational advantage of analyzing composites is reduced analytical costs. The downside is that a high concentration can be diluted and the opportunity to identify a potentially high exposure can be missed. It should be noted that the highest dilution that could occur (if two samples with no WTC dust were mixed with one with a high level of WTC dust) is by a factor of three. It is unlikely that this will result in many composites falling either into or out of the range of concern, or if they do, by a factor of two or more. The resulting error in classification would be small in relation to all of the other uncertainties in the risk assessment. In this context, the cost savings to the survey as a whole, and the concomitant gain in the ability to maximize other data collection, seems worthwhile.

I also want to note that I have greatly admired the way that you have stepped into the role as Panel chair and kept our momentum going in addressing this important issue in a credible manner.

Mort
--
Dr. Morton Lippmann
NYU School of Medicine
57 Old Forge Road
Tuxedo, NY 10987

Voice: 845-731-3558
FAX: 845-351-5472
lippmann@env.med.nyu.edu

EPA WORLD TRADE CENTER EXPERT TECHNICAL REVIEW PANEL

comments of

DAVID M. NEWMAN[1]

with regard to:

Draft Final Sampling Program to Determine Extent of World Trade Center Impacts to the Indoor Environment (May 2005)[2]

May 27, 2005

Time limitations at the May 24, 2005 meeting of the EPA WTC Technical Expert Review Panel precluded full discussion by the panel of EPA's Draft Final Sampling Program to Determine Extent of World Trade Center Impacts to the Indoor Environment. It is my hope that discussion by panel members of sampling issues will continue and that we will expeditiously and finally be able to implement a scientifically sound sampling and cleanup program that meets the needs of the affected residential and labor communities.

To move this process forward in a timely and productive manner, I would hope that this important discussion can be continued at a June meeting of the panel, rather than postponed to July as indicated. Future discussion would benefit from a more focused approach, perhaps addressing each section of the sampling plan in turn.

As I have previously noted, EPA has made very significant progress in the design of the sampling program.[3] This progress could not have occurred without the substantial contributions and collaboration of EPA scientists, members of the panel, and community representatives. The following comments touch upon some of the components of the "draft final" sampling plan that I feel warrant additional discussion and revision.

---

[1] New York Committee for Occupational Safety and Health (NYCOSH).

[2] www.epa.gov/wtc/panel/pdfs/May2005samplingplan.pdf.

[3] www.epa.gov/wtc/panel/pdfs/comments/02-23-05_PanelMembersComments.pdf

1. WTC SIGNATURE

In my opinion, the signature validation process, as proposed, is fundamentally flawed. The sampling plan's heavy reliance on an unproved signature compromises progress toward needed sampling and possible cleanup if warranted.

EPA's efforts to validate a WTC signature are, I believe, motivated by two distinct imperatives. First, the ability to distinguish with confidence WTC-derived substances would add greatly to our scientific understanding of the environmental consequences of the events of 9/11. Research that validates a WTC signature could also provide the framework for validation of other signatures in the event of future natural or technological disasters and could provide the basis for more rapid, targeted, and effective response efforts. However, it is clear that the effort to rapidly identify, at this point in time, WTC-derived contaminants is also driven by political contingencies that are informed by issues of policy and funding. As we proceed, we must be careful to differentiate research goals and limitations that are scientifically imposed from those that may be influenced by political considerations.

As I understand it, EPA proposes to establish a WTC signature of a combination of slag wool, concrete, and gypsum. If and when this signature is validated, its presence would then serve as an indicator that a sampled space had been impacted by the collapse of the towers on 9/11. Contaminants of potential concern (COPCs) that are also found to be present would be presumed to be WTC-derived. Absence of the signature components would serve as an indicator that a sampled space had not been impacted. COPCs found to be present would then be presumed to not be of WTC derivation. Presence of the WTC signature will also be used to determine the geographic extent of remaining WTC contaminants, if any.

This signature proposal, in my view, is based upon a number of key assumptions:

a. It is assumed that signature components (slag wool, concrete, and gypsum) were dispersed to every geographic area that was impacted by the collapse of the towers and entered every indoor space that was impacted by the collapse of the towers.
b. It is assumed that signature components were dispersed to every geographic area that was impacted by the activities, routes, and locations of debris removal and waste transfer operations and entered every indoor space that was impacted by the activities, routes, and locations of debris removal and waste transfer operations.
c. It is assumed that signature components were dispersed to every geographic area that was impacted by combustion byproducts in the plume that emanated from Ground Zero fires and entered every indoor space that was impacted by combustion byproducts.
d. It is assumed that signature components that entered indoor spaces did not become separated from other WTC substances, including COPCs, by transport or by activities that resulted in disturbance.

e. It is assumed that signature components that entered indoor spaces did not become separated from other WTC substances, including COPCs, over time.

It is my opinion that for a signature to be validated, these assumptions must also be proved to be valid. EPA does not propose any of these assumptions for testing or proof. EPA proposes only to prove that it can identify WTC-derived slag wool, in combination with concrete and gypsum, and that laboratory analysis is capable of distinguishing and quantifying samples containing these constituent substances.

Efforts to establish a combustion signature have been abandoned. Consequently, the EPA draft final sampling proposal includes no provision for identifying or cleaning indoor spaces, if any, that may have been impacted by the combustion plume and that may have residual WTC contaminants as a result. (PAHs will be sampled but in the absence of a dust signature will not be cleaned.)

Similarly, EPA in an undated, unsigned document provided to community experts in December 2004 established five criteria necessary for a valid WTC signature:

1. unique to WTC dusts (distinct from urban dusts)
2. persistent for many months (not volatile)
3. homogeneous in WTC dust (evenly distributed through samples of WTC dust)
4. able to be detected with small sample size, low minimum detection limit, and low interference from other dust components
5. *consistently found in impacted areas* (emphasis added).[4]

However, EPA's May 2005 draft final sampling program references only the first four criteria,[5] abandoning any indication that the agency will research or prove that a slag wool signature would be consistently found in impacted areas. Although criteria 2 and 3 are retained, the sampling proposal gives no indication of how or whether these criteria will be examined as part of the signature validation process.

In addition, I believe the signature validation process pays insufficient attention to the following issues:

- The proposed peer review process will address only laboratory methods. It will not evaluate EPA's signature hypothesis or signature criteria. Unlike prior WTC-related peer review processes, there appears to be no provision for public transparency or participation.
- In her presentation to the panel on May 24, Jacky Rosati indicated that signature validation is predicated upon analysis of only 9 WTC-impacted (archived) dust samples from only 3 locations (in addition to the similarly small number of samples previously analyzed by Greg Meeker). We must exercise caution in drawing any conclusions about the ability to identify WTC-derived slag wool

---

[4] The Environmental Protection Agency's Program to Develop and Validate WTC Dust Signatures. undated, unpublished manuscript, page 2.

[5] Pages 18-19.

beyond the area from which the samples were obtained.

- Differences in ratios of surface area to mass may have resulted in particle size segregation of contaminants by distance and elevation. Larger, heavier particles such as slag wool typically would not be expected to travel as far as lighter particulates such as chrysotile, thus reducing the potential utility of slag wool as a WTC signature beyond a limited geographic area.
- Slag wool fibers may be less prone to resuspension than are contaminants of potential concern (COPCs) such as chrysotile asbestos. Consequently, it is possible that over time slag wool fibers that settled out on indoor surfaces may have been more likely to have been removed through normal cleaning activities than other COPCs which may have been resuspended rather than removed. It is therefore possible that WTC-slag wool is now absent in some WTC-impacted indoor spaces while COPCs may remain. Were such a scenario to occur, the sampling proposal would improperly exclude these COPCs from identification as WTC-derived.
- Although false positives from signature samples may result in cleanup of spaces that were in fact not WTC-impacted, as pointed out by some members of the panel, they could also bias interpretation of sampling results by indicating the absence of COPCs in indoor spaces that are incorrectly presumed to be WTC-impacted. In this scenario, indoor spaces that were not impacted by 9/11 events and thus have no residual 9/11 contamination will be counted as impacted but without residual contamination, thus skewing the data to show that fewer impacted spaces have residual contaminants. False negatives, on the other hand, may inappropriately rule out remediation of COPCs that may be present.

For all of the above reasons, I support the proposal of Steve Markowitz that sampling for the presence of a signature be “unhinged” from sampling for the presence of COPCs. The plan as currently written is unnecessarily complex. COPC exceedences should be considered presumptive evidence of WTC impact and, barring indication that contaminants originate from other sources, should trigger appropriate substance-specific remediation. (The process of attribution of contaminants to other than WTC sources could be simple and straightforward - XRF screening to evaluate the possibility of in-place lead-based paint; building histories to identify asbestos-containing building materials, the condition of which could then be visually evaluated; etc.)

2. PLAN LIMITATIONS

The limitations of the sampling program must be clearly defined. In particular, appropriate end use of data and limitations on end use must be unambiguous. The plan overview should be amended to place additional emphasis on sampling for *remaining* WTC contaminants and to clearly indicate that the presence or absence of contaminants at this late date should not be used to extrapolate backwards in time to draw conclusions about the presence or absence of contaminants or about exposures at an earlier date. In the absence of health-based benchmarks, no correlation should be made between sampling results and risk or lack of risk. However, downtown residents and workers must be given accurate information as to the potential hazards of exposure

to sampled contaminants. The aforementioned limitations and information must be prominently incorporated in all communications pertaining to the sampling program.

3. ACCESS TO PUBLIC AND PRIVATE PROPERTY

The question of how to gain access to public and private property to conduct sampling and possibly cleanup is perhaps the most difficult unresolved issue raised by the sampling proposal. Clearly, any plan that proposes, as this one does, that landlords are to have sole and arbitrary control as to whether testing can take place in common spaces and in mechanical ventilation systems, and that employers are to have sole and arbitrary control over access to any aspect of the workplace, is a plan that has little likelihood of support or participation by most residential or commercial tenants or by workers, and thus is not likely to be successful. On the other hand, political realities clearly will not permit EPA to forcibly enter premises to conduct testing, even were it to have the statutory authority to do so. Further, participational bias is not accounted for in the plan.

I support the proposal of the WTC Community Labor Coalition that a “Participation Task Force” be created to explore ways to facilitate maximum voluntary involvement in the sampling effort. Employers, unions, landlords, and commercial and residential tenants should be represented on the task force, as should panel members and EPA. A June panel meeting would provide a timely opportunity for discussion of the access issue in general and of this proposal in particular.

4. BUILDING CHARACTERIZATION, GEOGRAPHIC EXTENT OF SAMPLING

Designation of geographic boundaries for sampling and cleaning purposes is heavily dependent on the Environmental Photographic Interpretation Center (EPIC) aerial photograph of visible dust on September 13, 2001. This approach has several significant limitations.

- The presence or absence of visible dust is not a scientifically valid method for determining the presence or absence or respirable particulates and ignores completely the issue of volatiles and combustion byproducts.
- The EPIC dust survey is limited to outdoor dust, while the EPA sampling proposal is limited to indoor dust.
- The EPIC photograph is limited to outdoor dust deposition through September 13, 2001. Additional later deposition from secondary sources such as debris removal and waste transfer operations at east and west side barge locations is not taken into account.
- Indoor sampling results are not referenced.

In addition, the stratum designated as “confirmed breached” is inappropriately defined in that it excludes indoor spaces that had open windows on 9/11. Open windows permitted the gross entry of contaminants and are the functional equivalent of structural damage and “glass not intact.” Exclusion of this subset of spaces will skew data results and distort geographic boundaries.

5. SAMPLING DESIGN, ANALYTICAL METHODS, ACTION BENCHMARKS

As labor representatives made abundantly clear in their compelling comments at the May 24 panel meeting, areas that EPA considers "inaccessible" and therefore excludes from cleanup decisions constitute the normal and regular workplaces of hundreds or thousands of downtown workers, who spend much or all of every working day in basements, elevator shafts, HVAC ducts, cable chases, plenums, telephone and electrical closets, and other similar spaces. The potential in these spaces for disturbance and resuspension of remaining WTC contaminants and of subsequent exposure must not be ignored in EPA's sampling proposal.

The section on analytical methods and sampling protocols in the sampling proposal is poorly written and lacks clarity. Supporting documentation is little better. Will lead and PAHs be sampled on soft surfaces? If yes, how? If not, why not? Will asbestos and MMVF be sampled on hard surfaces? If yes, how? If not, why not?

Crystalline silica is now excluded as a COPC to be sampled. Both the original COPC document and the initial version of EPA's sampling plan identified silica as an inhalation toxicant of concern. No new data or studies on this issue are cited or presented in support of the exclusion. No discussion of the exclusion of silica took place at prior panel sessions.

With regard to HVACs, EPA's proposed sampling plan calls for sampling of outdoor air inlets, air mixing plenums, discharge outlets, and HVAC filters. The presentation of Les Sparks, EPA's ventilation expert, to the panel on June 22, 2004, clearly noted that deposition is most likely to occur at duct work "dead spots" - i.e., at bends in high velocity areas as well as in areas of low velocity.[6] Although dead spots are referenced in supporting documentation, these areas should be targeting in the sampling plan itself.

Criteria for HVAC cleanup are not well thought out. HVAC systems will be cleaned only if the building criteria for cleanup are met and the WTC signature is found in HVAC dust samples. Neither exceedences of COPCs in an HVAC system nor a combination of COPC exceedences and the presence of a WTC dust signature in an HVAC system will be sufficient to trigger an HVAC cleanup. This makes no sense, is inconsistent, and warrants revision. Further, HVAC cleanup is not defined. (In fact, nowhere in the proposal is any kind of cleanup defined.)

EPA's proposed cleanup benchmarks for "infrequently accessed" areas such as tops of cabinets have been set at arbitrarily high levels and have no scientific or practical justification. For example, the proposed benchmark for lead in infrequently accessed areas is 400 $\mu g/ft^2$, or 225 times the background level of lead found by EPA in its World Trade Center Background Study. The proposed benchmark for PAHs is 1500 $\mu g/m^2$, or greater than five times the background level of less than 290 m/ft^2. The proposed

---

[6] U.S. Environmental protection Agency, "Particles and HVAC Systems," www.epa.gov/wtc/panel/pdfs/sparks-20040622.pdf.

benchmark for asbestos is 100,000 f/cm^2, or 16 times the background level of 6,192 s/cm^2.[7] The proposed asbestos benchmark corresponds to a level that is characterized in the scientific literature as "considered high and in the range of a significant accidental release from an abatement site."[8]

The plan states that decisions will need to be made relating to whether data results support additional sampling and/or a cleanup program within a particular stratum or an expansion into a Phase II program that extends beyond the borders of the current proposed sampling effort. However, neither the criteria nor the process to be used are addressed. Will the panel be consulted?

Detection limits are not specified in the sampling plan or in supporting documentation. Detection limits must be capable of measuring to background levels. Therefore we may need larger than usual surface sample area dimensions.

If a signature is not validated, EPA proposes to scrap most of the sampling plan and to offer instead a voluntary "test and clean" program limited to the "confirmed dust/debris" area, generally bounded by Chambers Street on the north. Test is not defined. Clean is not defined. The test and clean area excludes areas that were previously included in EPA's 2002-3 residential cleanup program.

6. ATTACHMENT 4 - INDOOR DUST SAMPLING PROTOCOLS

Attachment 4 refers to the use of a Nilfisk GS-80 vacuum cleaner equipped with a HEPA filter to collect particulates with aerodynamic diameters of 5 µ and larger. The apparent discrepancy between the cited 5 µ size and a HEPA efficiency of 0.3 µ warrants clarification.

---

[7] United States Environmental Protection Agency. World Trade Center Background Study Report Interim Final. April 2003, page 4, www.epa.gov/wtc/bg_report_section1.pdf.

[8] Millette, J. and Hays, S. Settled Asbestos Dust - Sampling and Analysis. Lewis Publishers, CRC Press, 1994, page 49.

EPA WORLD TRADE CENTER EXPERT TECHNICAL REVIEW PANEL

comments of

DAVID M. NEWMAN[9]

regarding

PROPOSED PEER REVIEW PROCESS OF WTC SIGNATURE

in:

Draft Final Sampling Program to Determine Extent of World Trade Center Impacts to the Indoor Environment (May 2005)[10]

June 6, 2005

The Draft Final Sampling Program states on page 19 that "The WTC signature dust screening method validation study report will be subjected to an independent external peer review by experts in this field."

I wrote in my comments of May 27, 2005 on EPA's Draft Final Sampling Program that "The proposed peer review process will address only laboratory methods. It will not evaluate EPA's signature hypothesis or signature criteria. Unlike prior WTC-related peer review processes, there appears to be no provision for public transparency or participation." I would like to comment further on these two key aspects of the proposed peer review process - scope and public participation.

SCOPE OF PEER REVIEW PROCESS

Jacky Rosati's presentation to the panel on May 24, 2005 indicated that peer review of the WTC signature validation process will be limited to evaluation of laboratory analytical protocols.[11] Given that the WTC signature is a pillar of the proposed sampling plan and that, absent scientific validation of the signature, the plan essentially collapses or must be significantly altered, it is not adequate to limit the peer review process to evaluation of laboratory protocols. Rather, a scientifically appropriate peer review process would consider hypotheses, objective criteria for evaluating the validity of candidate signature substances,

---

[9] New York Committee for Occupational Safety and Health (NYCOSH).

[10] www.epa.gov/wtc/panel/pdfs/May2005samplingplan.pdf.

[11] EPA Office of Research and Development and EPA Region 2. Update: Development of a WTC Dust Screening Method. Slides 16 - 19.

key assumptions[12], basis for each key assumption and possible alternatives, sample collection methodologies, and datasets, as well as analytical laboratory methods.

This position finds support in the December 15, 2004 document Final Information Quality Bulletin for Peer Review[13] issued by the federal Office of Management and Budget, which provides guidelines and requirements for the peer review process.

On the issue of the scope of the peer review process, OMB states:

> Peer review typically evaluates the clarity of hypotheses, the validity of the research design, the quality of data collection procedures, the robustness of the methods employed, the appropriateness of the methods for the hypotheses being tested, the extent to which the conclusions follow from the analysis, and the strengths and limitations of the overall product.[14]

Comparison of the scope of EPA's proposed peer review process with OMB guidelines indicates that EPA's current proposal for peer review is inappropriately narrow.

PUBLIC PARTICIPATION IN PEER REVIEW PROCESS

It is my understanding from conversations with fellow panelists and with EPA representatives that the proposed peer review process will have no public participation component. Additionally, neither the Draft Final Sampling Program nor Ms. Rosati's presentation to the panel on May 24 contains any indication of a role for the public in the proposed peer review process.

This EPA position is in stark contrast to two prior peer review processes on WTC issues initiated by EPA and conducted by Versar and TERA, respectively. Each of these peer reviews occurred in public meetings with opportunities for members of the public to submit written comments, present oral comments, and interact with peer reviewers.

TERA (Toxicology Excellence for Risk Assessment) provides extensive guidelines for public participation in peer review processes:

> Members of the public are generally invited to attend the independent peer reviews and consultations organized by TERA. It is important that the entire process be transparent so that interested parties can judge the independence and scientific credibility of the review or consultation. The public may be given the opportunity to provide brief oral and written technical comments on the work product for the panel's consideration.[15]

---

[12] For assumptions implicit in the signature validation process, see Comments of David M. Newman with regard to: Draft Final Sampling Program to Determine Extent of World Trade Center Impacts to the Indoor Environment (May 2005) May 27, 2005.

[13] www.whitehouse.gov/omb/inforeg/peer2004/peer_bulletin.pdf

[14] Pages 2 - 3.

[15] www.tera.org/peer/PeerProcess.html

TERA conducts peer reviews and consultations under the TERA Peer Consultation and Review Program. These meetings are open to the public to observe the proceedings...

The public may be invited to provide written and/or oral technical comments. TERA offers the sponsoring organizations the option of including time on the agenda to hear comments from the public...

Panel members may ... initiate discussion with sponsors, authors, or observers in order to obtain further information. They will be asked to report on these conversations...

If public comments are requested ... (c)omments should be brief ... and should address scientific and technical matters. The purpose of public comments is for stakeholders and others to share scientific data and analyses with the panel, authors, and sponsors...

In addition to written comments, there will be some time set aside at the meeting for observers to make brief technical comments to the panel ... (T)he chair may allow additional oral technical comments. Comments should be limited to technical issues ... Since the purpose of the public comments is to share scientific data and analyses, panel members, authors, and sponsors will be provided the opportunity to ask clarifying questions of those observers making comments.

TERA will prepare a meeting report for each peer review or consultation. Written public comments will be included in the meeting report and oral public comments will be briefly summarized.[16]

OMB provides additional guidance on public participation in peer review processes:

Public comments can be important in shaping expert deliberations... There are situations in which public participation in peer review is an important aspect of obtaining a high-quality product through a credible process... Public participation can take a variety of forms, including opportunities to provide oral comments before a peer review panel or requests to provide written comments to the peer reviewers.[17]
The public should be provided with sufficient time to comment on the agency's peer review plan for that report or product. Agencies shall consider public comments on the peer review plan...[18]

Whenever feasible and appropriate, the agency shall make the draft scientific assessment available to the public for comment at the same time it is submitted for peer review (or during the peer review process) and sponsor a public meeting where oral presentations on scientific issues can be made to the peer reviewers by interested members of the public. When employing a public comment process as part of the peer

---

[16] www.tera.org/peer/PublicParticipation.html

[17] Page 20.

[18] Page 29.

> review, the agency shall, whenever practical, provide peer reviewers with access to public comments that address significant scientific or technical issues.[19]
>
> Each peer review plan shall include: ...(v) whether there will be opportunities for the public to comment on the work product to be peer reviewed, and if so, how and when these opportunities will be provided; (vi) whether the agency will provide significant and relevant public comments to the peer reviewers before they conduct their review; ...and (x) whether the public, including scientific or professional societies, will be asked to nominate potential peer reviewers...[20]

EPA guidelines acknowledge that public participation may include nomination of potential peer reviewers:

> Recommendations for potential peer reviewers can be identified from a number of organizations. These include external groups such as the affected party(ies), special interest groups, public interest groups, environmental groups, professional societies, trade or business associations...[21]

CONCLUSIONS

The peer review process should evaluate the WTC signature validation process in its entirety, not omitting any component of the validation process from scrutiny.

The peer review process should provide ample opportunity for public participation, including oral and written comments.

NEED FOR DISCUSSION

Fellow panelists have thus far been silent on the peer review issue. I encourage fellow panelists to weigh in on this issue and I look forward to your comments.

---

[19] Page 38.

[20] Page 28.

[21] United States Environmental Protection Agency. Science Policy Council Handbook - Peer Review. EPA 100-B-00-001, December 2002, page 73, http://www.epa.gov/OSA/spc/htm/prhandbk.pdf.

As you know i have been a appointed panel member of the WTC EPA technical adivsory committee since its inception. As we are near our final draft on WTC sampling/cleanup Phase I, several of the panel members have been sending you final thoughts and i would like to share some of my thoughts with members of the EPA panel in the following order:

I. Public Comment About NYC Fire Dept Actions
II. New Chairmanship
III. The WTC Signature
IV. Cleanup in the absence of WTC Signature -- Phase I vs. Phase II
V. Sampling and Cleaning above the Plenum.

I.Comments About NYC Fire Dept Actions

I STRONGLY DISAGREE WITH THE COMMENTS FROM THE NYC FIREFIGHTER IN THE AUDIENCE WHO WAS NOT SPEAKING FOR EITHER FDNY and ITS MEMBERS (FIREFIGHTERS ETC). ALTHOUGH THIS INDIVIDUAL WAS A MEMBER OF UFA UNION LEADERSHIP I DO NOT BELIEVE HIS COMMENTS WERE OFFICIAL REPRESENTATION OF FDNY UNION LEADERSHIP OR OUR UNION MEMBERS. As the official representative of FDNY at this meeting I was embarrassed by the inference of these comments and hope that the inference were not true reflections of his feelings. For the record, I can assure you that FDNY and its firefighters will never abandon an interior structural firefight or rescue because the building may still be contaminated with WTC dust. FDNY would never require that each buliding be marked outside with signage stating whether there is or is not WTC dust present. FDNY lost 343 members on 9/11 and has suffered countless injuries and illnesses from that exposure. No member of such a proud workforce would ever disgrace the memories of their coworkers by requiring a litmus test of environmental grace before entering a burning building. Rather, FDNY and its members have proven again and again that they will risk their lives and their futures when there is even the suspicion that lives are in peril. FDNY members are provided with Self Contained Breathing Apparauts and other PPE to provide protection from smoke, hazardous materials and residual WTC dust (if any). Each member has and will continue to perform their duties with the same level of professionalism that was demonstrated on 9/11 and is continually demonstrated during every fire/disaster that this city suffers. EPA, this WTC EPA technical panel, and NYC should be assured that this oath of duty is independent of any WTC related cleanup activities in past, present or future.

II. New Chairmanship

I too would like to echo Dr. Lioy and Lippman's comments about the outstanding way Dr. Oppelt has handled his accension to chairmanship of this panel. Knowledge, keeping everyone on time, succinct and articulate summaries and decision points, openness to comment etc. All outstanding. I also from a procedural point liked the way each panel member was given an opportunity to speak in the afternoon. It brought some of silent types (like myself!!) out of the closet.

III. WTC signature.

At panel meetings, I have made my feelings quite clear. I strongly believe that we should push persuasion and legal requirments to the max to encourage enrollment in the sampling/cleaning phase I protocol. City, State and Fed buildings should be required. I am committed to the WTC signature despite the fact that I believe it needs further validation at distances far from ground zero. I am committed to not offering cleaning unless both a WTC signature and an elevated chemical of potential concern (COPC) are both present. Both must be required before the unit can be considered currently WTC contaminated. I believe that we will have far more false positives than false negatives. This was our goal. As we are sampling 4 years after 9/11/01, It must be stressed that lack of WTC signature does not mean absence of exposure (the expsoure could have been earlier) but it does mean no

WTC funded cleanup.

IV. Cleanup without WTC signature:
However, I also agree with Dr. Markowitz's comments about will private landlord's agree to allow sampling if lead is found without WTC signature. Then there are no funds for cleanup. How can we encourage entry for sampling and still be consistent with this being a WTC cleanup only program. First, cleanup in the absence of a WTC signature is only required if there are healthbased benchmarks. I believe that the only COPC in our program with HBbenchmarks are PAH and lead. It is doubtful that PAH will be found and it is likely that lead will be found in older buildings. If we adopt the philosophy that Phase I is sampling (wth ethically required cleanup) and Phase II is only WTC related cleanup based on phase I results then I believe we have a foundation for a possible compromise.

Sampling has a price and the price is ethically required cleanup. Thus, we will clean under 2 circumstances (a) WTC signature with COPC (WTC related based on our definition) as already stated in the draft and (b) lead or pah above HBbenchmark even in absence of WTC signature (we will state that their is no clear evidence of persistent WTC contamination but cleaning will be offered as an ethical consequence of sampling).

This would not be done in Phase II. That is a cleaning phase and only justified if phase 1 shows significant results consistent with WTC signature + COPC. Phase II would not occur if COPC are found without WTC signature.

I believe this compromise is required for phase I only because we agreed to test for lead (something I was clealry against since 12,ooo firefighter blood samples had only a few elevated samples of lead or mercury) and the dept of health had no significant increase in childhood lead levels for that area.). I do not feel we can back on the agreement to test for lead and now we must pay the consequence of the original political decision.

Without this or some other compromise i am concerned that our sampling efforts will fail.

V. Sampling and cleaning above the plenum: I believe the comments about this area are of interest to a select group of workers that have been identified in the community comments. I believe OSHA will not provide a ruling because they will probably determine that workers are not in this environement uninterrupted for 24 hours and therefore a weighted 24 hr exposure will be used to argue against PPE masks etc. We should smple above the plenum but I do not know how we could factor this into cleanup requirements. EPA might consider a K factor approach. I have no solution for this problem. Clearly, given this concern the document should be in some way labeled as for WTC residents and officer workers only (not addressing above plenum issues).

I hope these comments will be of continued help in moving this process foward.

Sincerely,
Dave Prezant
Deputy Chief Medical Officer, FDNY
Professor of Medicine, Albert Einstein College of Medicine